

Appl. No 10/726,431

Amendment dated May 13, 2005

Reply to office action of March 1, 2005 and Advisory Action of May 10, 2005

Remarks/Arguments

In the office action of March 1, 2005, the Examiner noted that claims 1-19 are pending in the application and that claims 3-17 are allowed, claims 3-9 are objected to, and claims 1, 2, 18, and 19 are rejected. By this amendment claims 1 and 2 are cancelled, claims 3, 18 and 19 are currently amended. The Examiner's rejection of claims 18 and 19 and objection to claims 3-9 are traversed below.

Regarding the objection to claims 3-9 noted on the Office Action Summary, the limitations of claims 1 and 2 have been incorporated into an amended claim 3. It is respectfully requested the objection to claim 3 be removed. Since claims 4-9 are now dependent on an allowable claim 3, the objection is respectfully requested to be withdrawn for these claims also.

Regarding the rejection of Claims 18 and 19 under 35 U.S. C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 has been amended to define the force applied to the device, similar to the definition in Claim 11, as that sufficient to compress the spring, allowing movement of the body within the sleeve. This movement positions the ball bearings such that a golf tee may be inserted in the device tee insertion end. This amount of force necessary and sufficient to insert the golf tee is as described in amended paragraph [000151], and demonstrated in figures 6A and 6B. An alternate embodiment is described in amended paragraph [000162], and shown in figure 11, as requiring the amount of force to the operating knob sufficient to overcome the spring tension and move the body partially out of the tee hold-release sleeve.

Claim 19 has been amended so the preamble is the same as amended claim 18. Claim 19 is a dependent claim on claim 18. Since claim 19 now depends on an allowable claim 18 the rejection of claim 19 is respectfully requested to be withdrawn.

Applicant respectfully submits that the amended claims 18 and 19 sets forth the subject matter that the applicant regards as the invention, and the amended claims particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant. Applicant respectfully submits that claims 18 and 19 as amended meets the requirements of 35 U.S.C. 112 second paragraph.

In the advisory action of May 10, 2005, the Examiner noted that the proposed amendment to claims 3-9 is rejected, claims 10-17 are allowed, and claims 1, 2, 18 and 19 are objected to.

Regarding claim 3, it is amended to incorporate the limitations of cancelled claims 1 and 2. In the rejection of the proposed amendment to claim 3, the Examiner notes the combination of the limitations of claims 1 and 3 in amended claims 3 fails to include the language "means for retaining the golf tee head in the device." The Examiner further notes the deleted language "means for retaining the golf tee head in the device is a" had not been presented in strikethrough. In this amendment "means for retaining the golf tee head in the device." has been incorporated in claim element b. to describe the ball bearing surfaces and the convex head in the device, and the strikethrough of "means for retaining the golf tee head in the device is a" language is presented

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in claim 3 preamble in this amendment. Applicant respectfully submits the amended claim 3 corrects the Examiner's objections and is an allowable claim. Also claims 4-9 are dependent claims on claim 3. Since claim 3 is now an allowable claim, these claims also are allowable. Also since claim 3 is an allowable claim, the objection to cancellation of claims 1 and 2 is also respectfully requested to be removed.

Regarding claims 18 and 19, the Examiner notes the numbering of the claim sub-elements requires underlining and striking through the re-letters. This underlining and striking through is presented in this amendment. Also the language "using" has been removed as redundant to the previous deletion. Further, the numbering of the claim sub-elements in claim 19 has been amended to use lower case roman numerals to differential this numbering from that in claim 18.

Applicant respectfully submits that the claims, as revised, satisfy all the examiners objections. The applicant submits the application is in condition for allowance, and that action is earnestly solicited.

Respectfully submitted,



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